

AMENDED IN ASSEMBLY MAY 15, 1997

AMENDED IN ASSEMBLY APRIL 8, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 853

Introduced by Assembly Member Hertzberg
(Principal coauthor: Assembly Member Washington)
(Coauthors: Assembly Members ~~Pacheco~~ Bowen, Gallegos,
Knox, Kuehl, Pacheco, and Villaraigosa)
(Coauthors: Senators Karnette and Solis)

February 27, 1997

An act to add Title 7 (commencing with Section 14000) to Part 4 of the Penal Code, relating to law enforcement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Hertzberg. Community Law Enforcement and Recovery Demonstration Project.

Existing law establishes several community crime prevention projects, including the Community Violence Prevention and Conflict Resolution Project, the California Community Crime Resistance Program, the Gang Violence Suppression Program, and the Rural Crime Prevention Demonstration Project.

This bill would authorize the City and County of Los Angeles to establish a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, to be administered by the City of

Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department, *the Los Angeles County District Attorney's office*, the Los Angeles County Probation Department, the Los Angeles Police Department, and the Los Angeles City Attorney's Office. The bill would require the parties to the agreement to work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs by addressing each community's gang problems and identifying the gangs associated with each community. The bill would specify the roles of each party to the agreement.

This bill would require an independent evaluation of the project to be prepared and submitted to the Legislature at the end of each fiscal year.

This bill would appropriate ~~\$15,100,000~~ \$18,000,000 from the General Fund to the ~~City of Los Angeles Board of Corrections~~ for ~~purposes of the CLEAR project~~ *specified local assistance and administrative costs, including \$15,100,000 to the City of Los Angeles to implement the CLEAR project.*

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 7 (commencing with Section
2 14000) is added to Part 4 of the Penal Code, to read:

3

4 TITLE 7. COMMUNITY LAW ENFORCEMENT
5 AND RECOVERY DEMONSTRATION PROJECT

6

7 14000. (a) The City and County of Los Angeles may
8 establish a Community Law Enforcement and Recovery
9 (CLEAR) Demonstration Project, a multiagency gang
10 intervention program, which shall be administered by
11 the City of Los Angeles under a joint powers agreement
12 with the Los Angeles County Sheriff's Department, *the*
13 *Los Angeles County District Attorney's office*, the Los
14 Angeles County Probation Department, the Los Angeles
15 Police Department, and the Los Angeles City Attorney's
16 Office.

(b) The parties to the agreement shall work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs, in particular the “18th Street Gang,” by addressing each community’s gang problems and identifying the gangs associated with each community.

14001. The role of each party to the agreement is as follows:

(a) The district attorney shall do all of the following:

(1) Appoint a Gang Intervention Coordinator and provide staff to the coordinator for the purposes of coordinating the project among the parties and between the parties and community groups.

~~(2) Disseminate training materials regarding coordinated law enforcement strategies.~~

~~(3) Track all project communities, criminal street gangs, and the probationary status of persons who are arrested in those communities.~~

~~(4) Supervise and track all felony and juvenile cases filed from those communities.~~

~~(5) Conduct vertical prosecutions of gang members.~~

(2) Conduct training for team members and outside agencies and prepare written materials regarding successful coordinated antigang strategies.

(3) Track all arrests made by the CLEAR team and prepare reports on the progress of the prosecution effort from the point of arrest through the final court disposition of each case, including the length of imprisonment or the terms of probation ordered.

(4) Vertically prosecute the most difficult cases generated by CLEAR team arrests using novel and innovative prosecution strategies that include granting cross-designation status to city prosecutors so that these cases may be effectively pursued in superior court.

(5) Prepare and prosecute civil injunctions against gang activities occurring within the target area.

(6) Coordinate prevention and intervention strategies with community-based organizations, schools, and participating agencies and assist in the design and implementation of these programs.

(b) The sheriff's department shall do both of the following:

(1) Use jail and prison information to assist in the resolution of unsolved homicides.

(2) Coordinate crime information between law enforcement agencies.

(c) The probation department shall do all of the following:

(1) Coordinate all target gang members on probation into one case load for intensive supervision.

(2) Meet with community organizations and schools to assess their needs with respect to gang intervention.

(3) Enforce probation terms and perform probation searches.

(4) Provide information on probationary status of gang members to local law enforcement agencies.

(d) The police department shall do both of the following:

(1) Provide intensive law enforcement in areas most impacted by criminal street gangs.

(2) Coordinate gang information with the sheriff's department and probation department to identify gang members for targeted law enforcement activities.

(e) The city attorney shall do all of the following:

(1) Prosecute misdemeanor criminal offenses.

(2) Coordinate civil building abatement and nuisance abatement activities.

(3) Conduct vertical prosecutions of gang members.

14002. The parties shall be consolidated as a mobile response unit that travels to each community that is targeted for gang intervention strategies and operates from one central location in that community.

14003. (a) The parties may solicit assistance from local school police, the federal Bureau of Alcohol, Tobacco, and Firearms, the federal Housing and Urban Development Agency, the state parole authority, and the Department of the Youth Authority for witness protection and information and strategies for law enforcement.

(b) The CLEAR project shall coordinate with community-based organizations, schools, and businesses to assess and respond to community enforcement needs and concerns. The purpose of this coordination shall be to increase communication between community members and law enforcement agencies, to foster the exchange of information about ongoing criminal activity, and to respond creatively and quickly to community needs. Some cooperative approaches may include community-based policing and prosecution, probation ride-alongs, target programs, civil injunctions, and antitruancy and curfew violation programs.

14004. A Community Impact Team may be formed as a citizens' advisory committee to the CLEAR project.

14005. An independent evaluation of the effectiveness of the CLEAR project, including a detailed cost-benefit analysis, shall be prepared and submitted to the Legislature at the end of each fiscal year. *The evaluation shall include, but shall not be limited to, a description of the extent to which the project has accomplished any of the following:*

(a) *Decreased the number of known gang members.*

(b) *Reduced gang-related criminal offenses, particularly homicides.*

(c) *Increased the arrests of gang members for violent and nonviolent crimes.*

(d) *Successfully prosecuted CLEAR team arrestees.*

~~SEC. 2. The sum of fifteen million one hundred thousand dollars (\$15,100,000) is hereby appropriated from the General Fund to the City of Los Angeles for the purposes of implementing Title 7 (commencing with Section 14000) of Part 4 of the Penal Code.~~

SEC. 2. The sum of eighteen million dollars (\$18,000,000) is hereby appropriated from the General Fund to the Board of Corrections for local assistance and administrative costs as follows:

(a) *Fifteen million one hundred thousand dollars (\$15,100,000) to the City of Los Angeles for the purposes of implementing Title 7 (commencing with Section 14000) of Part 4 of the Penal Code, as enacted by Section*

1 *I of this act. The city shall disburse these funds, without*
2 *withholding any portion of the funds to cover amounts*
3 *that may otherwise be in dispute, as follows:*

4 *(1) One hundred thousand dollars (\$100,000) to the*
5 *Gang Intervention Coordinator.*

6 *(2) Three million five hundred thousand dollars*
7 *(\$3,500,000) to the Los Angeles Police Department.*

8 *(3) Two million five hundred thousand dollars*
9 *(\$2,500,000) to the Los Angeles City Attorney.*

10 *(4) One million five hundred thousand dollars*
11 *(\$1,500,000) to the Los Angeles County Sheriff.*

12 *(5) Three million dollars (\$3,000,000) to the Los*
13 *Angeles County District Attorney.*

14 *(6) Three million five hundred thousand dollars*
15 *(\$3,500,000) to the Los Angeles County Probation*
16 *Department.*

17 *(7) One million dollars (\$1,000,000) shall be dedicated*
18 *to the CLEAR project for the coordination of the*
19 *community intervention activities required under this*
20 *act.*

21 *(b) Two million four hundred thousand dollars*
22 *(\$2,400,000) shall be awarded through a competitive*
23 *grant process to county district attorneys' offices through*
24 *the Civil Gang Injunction Program. The purpose of this*
25 *program shall be to provide district attorneys in*
26 *California's 12 most populous counties with the resources*
27 *necessary to file civil injunctions against gangs and gang*
28 *members to restrain them from conducting activities that*
29 *harass, intimidate, threaten, and victimize members of*
30 *the community.*

31 *(c) Three hundred thousand dollars (\$300,000) shall*
32 *be awarded to a statewide district attorneys' association*
33 *for the Gang Prosecution Training Program. The purpose*
34 *of this program shall be to provide training to the*
35 *personnel of county district attorneys' offices regarding*
36 *methods for successfully prosecuting gang members.*

37 *(d) Two hundred thousand dollars (\$200,000) for costs*
38 *incurred by the board in administering the*
39 *implementation of the above programs.*

1 SEC. 3. Due to the unique circumstances that the
2 CLEAR Demonstration Project has already been
3 developed in Los Angeles County, the Legislature hereby
4 finds and declares that a general statute cannot be made
5 applicable within the meaning of Section 16 of Article IV
6 of the California Constitution. This special legislation is,
7 therefore, necessarily applicable only to Los Angeles
8 County.

O

